

REMARKS

This Response is in reply to the Office Action rejection mailed on April 9, 2007. Claims 1 – 18 and 20 – 30 are pending in the application. Claims 1 – 4, 9, 10, and 12 are rejected. Claims 5 – 8 and 11 are objected to. Claims 13 – 18 and 20 – 30 are allowed.

Claims 1 – 4, 9, 10, and 12 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,093,690 (hereinafter Ohno). The Office Action specifically cites to Figures 1 and 18A – D of Ohno. Figure 1 illustrates a prior art copier including a paper refeeding device. The refeeding device includes conveyor rollers 20 that transport a paper sheet to a nip formed by a feed roller 22 and an unnumbered roller. An upper guide 21 functions to divert the sheet from the feed roller 22 nip into an intermediate tray 17. In order to refeed the sheets from the intermediate tray 17, a bottom plate 32 is raised to urge the sheets against the feed roller 22. A separator roller 23 operates to feed sheets one at a time.

Figures 18A – D of Ohno illustrate a refeeding device according to one embodiment of the invention. An auxiliary roller 28 is mounted on the same shaft as the feed roller 22. This embodiment includes a support member 30 located at an input end of the intermediate tray 17. An elastic guide member 29 extends upward from the support member 30 and contacts the auxiliary roller 28. When the auxiliary roller 28 rotates in a clockwise direction to feed sheets into the intermediate tray 17, the guide member 29 is urged to a position inside the intermediate tray 17. In this position, the guide member 29 functions to direct the sheet upward as it enters the intermediate tray 17 so that the sheet does not contact the edge of sheets already stacked in the intermediate tray 17. When the sheets in the intermediate tray 17 are to be refeed, the feed roller 22 and the auxiliary roller 28 rotate in a counterclockwise direction, and the separator roller is held stationary. The guide member 29 follows the rotation of the auxiliary roller and moves outside of the intermediate tray and away from the paper refeed path.

Claim 1 includes a drive roll, a first roll positioned against the drive roll forming a first media nip, and a second roll positioned against the drive roll forming a second media nip. A diverter is operatively connected to the drive roll and is positionable in a first position when the drive roll rotates in a first direction and a second position when the drive roll rotates in a second direction. When in the first position, the diverter guides a first media sheet into the first media nip. When in the second position, the diverter guides the first media sheet out of the first media nip and simultaneously guides a second media sheet into the second media nip.

The Office Action refers to Figures 1 and 18A – 18D of Ohno as disclosing all of the elements of claim 1. Figure 1 is directed to prior art, while Figures 18A – 18D are directed to an embodiment of Ohno's invention. The Office Action appears to combine these two references into a single operational apparatus, and assumes that all of the features illustrated in these figures are present in the single apparatus. There is no indication in Ohno that all the features of the copier in Figure 1 are combinable with all the features of Figures 18A – 18D such that all the features from both are present in the combined apparatus. Ohno states only that the embodiments of the invention are applicable to the copier illustrated in Figure 1 (col. 7, lines 43 – 45). Applicants assert that a rejection under 35 U.S.C. 102(b) based on the combination of these references is improper.

However, assuming *arguendo* that Ohno discloses the combination of Figures 1 and 18A – 18D, the resulting combination fails to teach each and every limitation of claim 1.¹ Claim 1 includes a diverter to **simultaneously** divert a first media sheet out of the first media nip and a second media sheet into the second media nip. For discussion purposes, consider the nip

¹ For purposes of clarity, Applicants point out that Figures 18A – 18D do not show either the unnumbered roller, the separator roller, or the feed roller. Applicants are assuming that all the features of Figures 1 and 18A – 18D are present together for this Response.

formed between the feed roller 22 and the unnumbered roller of Figure 1 to be the first media nip, and the nip formed between the feed roller 22 and the separator roller 23 to be the second media nip. Alternatively, the second media nip could be formed between the auxiliary roller 28 and the separator roller 23. The auxiliary roller 28 and the feed roller 22 are located on the same shaft, and Ohno is unclear as to which roller the separator roller 23 would contact. The Office Action points solely to the guide member 29 in Ohno as being the diverter. Nowhere does Ohno disclose that the guide member 29 is capable of simultaneously guiding two media sheets. Ohno discloses only that the media sheets may be fed into the intermediate tray 17 or out of the intermediate tray 17, but not both simultaneously. In addition, the guide member 29 only functions to guide the media sheet as it is fed into the intermediate tray 17 via the second media nip. When the media sheet is being fed out of the intermediate tray 17, Ohno discloses that “[t]he upper end 29a of the guide member 29 [is] held in a position spaced apart from the auxiliary roller 28 and **retracted from the refeed path.**” (Col. 9, lines 43 – 45, emphasis added). Additionally, Ohno discloses that “the end of the guide member 29 does not contact the paper sheet being refeed.” (Col. 10, lines 6 – 7). Therefore, the guide member 29 does not meet the limitations of claim 1.

Although not discussed in the Office Action, Ohno discloses another diverter (upper guide 21). Ohno fails to clearly disclose the function of the upper guide, saying only that “[a]n upper guide 21 and a lower guide 32 are so positioned as to define a refeed path” (col. 4, lines 10 – 11), and “[a] second selector in the form of a pawl 21 is also activated by a solenoid, not shown, to assume either one of two different positions” (col. 7, lines 55 – 57). Assuming *arguendo* that the upper guide 21 is analogous to the diverter of claim 1, the upper guide 21 appears to divert the media sheet out of the first media nip and into the second media nip or to bypass the second nip altogether (see Figure 2 of Ohno for additional detail). Thus, the upper

guide 29 cannot guide a first media sheet out of the first media nip and simultaneously guide a second media sheet into the second media nip as required by claim 1.

Looking at the disclosure of Ohno in detail, simultaneously feeding two media sheets as required by claim 1 does not appear to be possible. Figure 18A appears to illustrate the media guide 29 diverting a first media sheet out of the first media nip. Significantly, note also that Figure 18A shows that the first media sheet is **at the same time being fed into the second media nip**. In order to feed a second media sheet out of the second media nip, the direction of the feed roller must be reversed as shown in Figure 18B. Therefore, because the feed roller must rotate in one direction to feed the first media sheet and rotate in another direction to feed the second media sheet, Ohno does not disclose an apparatus capable of simultaneously feeding a first and second sheet as required in claim 1.

For at least these reasons, independent claim 1 and dependent claims 2 – 4, and 9 are not anticipated by Ohno.

Claim 10 includes a diverter to simultaneously guide a first media sheet driven by a first media nip in a second direction and a second media sheet driven by a second media nip in a first direction. As discussed above for claim 1, Ohno does not disclose a diverter to simultaneously guide a first media sheet and a second media sheet. For at least these reasons, Claim 10 and dependent claim 12 are not anticipated by Ohno.

Claims 5 – 8 and 11 were objected to as being dependent upon a rejected base claim. In light of the above arguments, Applicants contend that the base claims are now in condition for allowance; therefore, claims 5 – 8 and 11 are now also in condition for allowance.

The drawings were objected to under 37 C.F.R. 1.83(a) for failing to show the frictional clutch of claim 17. Claim 17 has been amended to now recite a friction coupling rather than a frictional clutch. The frictional coupling is illustrated in Figure 3A by the mechanical contact between gear 26 and arm 33; therefore, corrected drawing sheets are not required.

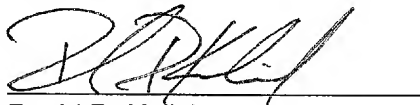
The specification was objected to because the frictional clutch of claim 17 was not given a reference number. As discussed above, the amendment to claim 17 now recites a detail shown in the structure illustrated in Figure 3A. Support for the amendment can be found in the specification starting with the paragraph beginning at line 18 of page 4 through the paragraph beginning at line 9 of page 5. Because the mechanical contact between two elements of the invention is a conventional feature, Applicants do not believe that a reference number is required.

Figure 9 was objected to for failing to include a legend designating it as illustrating prior art. A corrected drawing sheet is enclosed.

In view of the above amendments and remarks, the Applicants submit that the present application is in condition for allowance and such action is respectfully requested. If any issues remain unresolved, the Applicant's attorney requests a telephone interview to expedite allowance and issuance.

Respectfully submitted,

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